



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,084	02/22/2005	Kris Tomaszewski	19339-100658	5015

28886 7590 09/08/2006

CLARK HILL, P.C.  
500 WOODWARD AVENUE, SUITE 3500  
DETROIT, MI 48226

EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/525,084	Applicant(s) TOMASZEWSKI, KRIS	
	Examiner Carlos Lugo	Art Unit 3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to applicant's amendment filed on July 17, 2006.

#### ***Election/Restrictions***

2. Applicant's election without traverse of Species #1 in the reply filed on July 17, 2006 is acknowledged. Claims 8-11 are withdrawn from consideration.

#### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the abstract exceeds the 150-word limit. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3 are rejected** under 35 U.S.C. 102(b) as being anticipated by EP Pat No 1,178,172 to Kalsi.

Regarding claim 1, Kalsi discloses an actuator for a latch comprising first and second articulated levers, wherein the first lever (20) includes at least one cam follower (64) and the second lever (16) includes at least one stop member (48a and 50a) that pivots between first and second positions as each lever travels between first and second positions.

A cam (14) has at least one cam-driving member (70) and at least one cam stop member (38 and 40).

A power actuator (placed at 22) is operatively engaging the cam effecting a driving movement of the cam.

The at least one cam driving member (70) has a path of travel that is in engaging alignment with the at least one cam follower (64) for a portion of the travel (Figure 13) and is in disengaging alignment with the at least one cam follower for another portion of the travel (Figures 14 and 15).

The at least one cam stop member (38 and 40) abuts the at least one stop member (48a and 50a) of the second lever when the at least one cam driving

Art Unit: 3676

member is in the non-aligned position and wherein the levers may be activated without driving the cam.

As to claim 2, Kalsi discloses that the driving of the cam by energizing the actuator effects the pivoting of the first and second levers between the first and second positions or vice versa.

As to claim 3, Kalsi illustrates that the first and second levers (16 and 20) are disposed substantially orthogonal to one another.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 7 is rejected** under 35 U.S.C. 103(a) as being unpatentable over EP Pat No 1,178,172 to Kalsi as applied to claim 3, and further in view of US Pat No 4,518,181 to Yamada.

Kalsi fails to positively disclose or illustrates that the cam is rotatably mounted to a support and includes a toothed circumference in meshing engagement with a gear associated with the power actuator.

Yamada teaches that it is well known in the art to provide a cam (62) in meshing connection with a gear (61) associated with a power actuator (M).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the connection of the cam with the actuator described

Art Unit: 3676

by Kalsi with a gear connection, as taught by Yamada, since it would be considered as a design consideration within the art that would not affect the movement of the cam by means of the actuator.

***Allowable Subject Matter***

9. **Claims 4 and 5 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. **Claim 6 would also be allowed** because the claim depends from claim 5.


At the instant, the prior art fails to disclose that the first and second levers are articulated via a ball and fork linkage (claim 4) and that the at least one lever stop member comprises a shaft extending from the second lever in a direction substantially parallel to the first lever and wherein the shaft has an arm which pivots between the first and second positions (claim 5).

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'CLG', followed by a horizontal line.

Carlos Lugo  
Patent Examiner  
Art Unit 3676

September 1, 2006.